



D-NPS-K65187-CA 960231  
EL-2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

SEP 6 1996

Stanley T. Albright, Field Director  
Pacific West Area  
National Park Service  
600 Harrison Street  
San Francisco CA 94107

Dear Mr. Albright:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for **IMPROVEMENT OF WATER QUALITY AND CONSERVATION OF RARE SPECIES AND THEIR HABITATS, SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK, CALIFORNIA**. Our comments on the DEIS are provided pursuant to the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR 1500-1508). We offer the attached comments.

The National Park Service proposes actions to improve water quality in surface streams and to protect riparian habitat areas on Santa Rosa Island, and to promote the conservation and recovery of rare species of plants and animals on the island. Various actions to protect water quality are proposed, including the immediate closure of one pasture to cattle and horses; construction of a fence dividing another pasture with subsequent implementation of seasonal grazing rotation to protect riparian areas; construction of small riparian exclosures to protect key resources, establish nursery areas and protect water quality; removal of the island's deer herd and reduction of its elk herd within three years; and increased grazing management standards to protect upland areas. The DEIS assessed five alternatives: 1) No Action; 2) Minimal Action; 3) Target Action, which is the proposed action; 4) Conservation Team Recommendations; and 5) Immediate Removal of Ungulates.

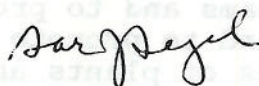
We have rated the DEIS as EC-2, Environmental Concerns - Insufficient Information. We have environmental concerns because potential environmental impacts associated with elements of the proposed project are not discussed in the DEIS (two major examples are impacts associated with the weed management and road management programs). In terms of the weed management program, we believe that the Final Environmental Impact Statement (FEIS) should provide information regarding the use of herbicides should that be part of the proposed project. Similarly, the reader gets the impression that the road management program may



have potential impacts on water resources and/or wetlands, due to a brief reference to the Army Corps' permit process. Such impacts (and mitigation) should be discussed in the FEIS. We believe that it is very important for the National Park Service to work closely with the Regional Water Quality Control Board to ensure that applicable provisions of the Clean Water Act are carried out in an expeditious manner. We recommend that the National Park Service integrate those elements from Alternative D which are more environmentally protective into the final proposed action. This would serve to ensure consistency with requirements of the Clean Water Act and State water quality protection requirements. We encourage the Park Service to design and implement its management actions with the concept of pollution prevention in mind. Please refer to the attached "Summary of Rating Definitions and Follow-Up Action" for a more detailed explanation of our EC-2 rating and to the attached comments for an in-depth discussion of our concerns.

We appreciate the opportunity to provide comments. Please send one copy of the FEIS to me (code: E-3) when it is filed with EPA's Washington, D.C. office. If you have any questions, please call me at 4-744-1584 or David Tomsovic of my staff at 415-744-1575.

Sincerely,



for David Farrel, Chief  
Federal Activities Office

Enclosures: 3

- (a) EPA rating sheet for DEISS
- (b) EPA comments on DEIS
- (c) Pollution prevention checklist on grazing

cc: Tim Setnicka, Channel Islands National Park  
Patricia Port, DOI  
Howard Kolb, RWQCB

M.I. #2542



## SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

### Environmental Impact of the Action

#### LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

### Adequacy of the Impact Statement

#### Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."



## ALTERNATIVES

The DEIS assesses five alternatives, including the No Action alternative which is required under the Council on Environmental Quality's Regulations for Implementing NEPA. The five alternatives are: A, No Action; B, Minimal Action; C, Targeted Action; D, Conservation Team Recommendations; and E, Immediate Removal of Ungulates. Alternative C is the proposed action.

We note that the impact topic in Table 2 for water quality and riparian areas captures the likely environmental impacts for the various action alternatives, as well as No Action. For example, under No Action, "Water quality will remain low, with high coliform levels from cattle fecal inputs." Under Alternative B, "the majority of streams will remain unprotected from grazing..." The situation improves somewhat under Alternatives C and D, although significant water quality problems remain (D being better than C). According to Table 2, under Alternative C, "[m]ost streams in South and Pocket Field Pastures will remain unprotected from the effects of grazing." Even with Alternative D, "[m]ost streams in South Pasture will remain unprotected from the effects of grazing."

We recommend that, for the FEIS, the National Park Service integrate those elements from Alternative D which are more environmentally protective than those found in C. This would serve to ensure consistency with the requirements of the Clean Water Act, State water quality protection requirements (see discussion below on CWA Section 313), and the RWQCB's enforcement documents.

## CLEAN WATER ACT, SECTION 313

Although the Draft Environmental Impact Statement (DEIS) indicates that the Channel Islands National Park is subject to a Cleanup or Abatement Order issued by the Regional Water Quality Control Board (RWQCB) on August 18, 1995, the DEIS does not acknowledge that the RWQCB's authority to issue such an enforcement order derives from Section 313 of the Clean Water Act (CWA). We believe that the omission of this from the DEIS may lead the public to question why a State agency (RWQCB) can legally issue an order against a Federal entity (National Park Service). The National Park Service certainly has jurisdiction over Santa Rosa Island, and the DEIS clearly acknowledges that water pollution is a problem on the island. For example, page 2 indicates that "The Park has previously documented high fecal coliform and Ph levels in Santa Rosa streams..."



Under Section 313 of the CWA, Federal agencies are required to comply with applicable State water pollution control requirements to the same extent as a private party. Section 313 specifically provides that Federal agencies having jurisdiction over a property or facility or engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants

"shall be subject to, and comply with, all Federal, State...and local requirements...respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity..."

We recommend that the Final EIS (FEIS) specifically recognize the applicability of Section 313.

#### APPLICABLE BASIN PLAN

The Water Quality Control Plan ("Basin Plan") developed by the RWQCB and approved by U.S. EPA under the CWA contains specific requirements on toxicity and pesticides. We're concerned that the DEIS does not discuss the need to ensure the project's consistency with the Basin Plan (dated 12/9/94). The DEIS does not specifically reference the need for the National Park Service to comply with applicable pesticide and toxicity requirements in the Basin Plan. For example, the section of the Basin Plan dealing with water quality objectives addresses a number of toxic pollutants (including pesticides). It has specific seven requirements on pesticides use:

1. No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.
2. Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.
3. Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytic methods approved by EPA or the RWQCB.
4. Pesticide concentrations shall not exceed those allowed by applicable antidegradation policies.
5. Pesticide concentrations shall not exceed the lowest levels technically and economically achievable.
6. Waters designated for use as a domestic or municipal drinking water supply shall not contain pesticide concentrations in excess of the Maximum Contaminant Levels set forth in the California Code of Regulations, Title 22.



7. Waters designated for use as domestic or municipal domestic drinking water supply shall not contain concentrations of thiobencarb in excess of 1.0 ug/l.

We recommend that the FEIS discuss whether the above requirements in the Basin Plan have any implication for the EIS/RMP. In particular, the FEIS should indicate instances where Park Service activities under this EIS/RMP would or may be inconsistent with any Basin Plan requirement(s). If such is the case, the FEIS and Record of Decision (ROD) should discuss how the Park Service intends to adhere to the Basin Plan's requirements.

#### **STORMWATER PERMIT**

The FEIS should discuss the applicability of the CWA's stormwater permit provisions for the proposed project because, depending on the acreage of land disturbance, compliance with the stormwater permitting requirements may prove applicable. Under the CWA, projects which disturb soils require a stormwater discharge permit. Permits are required for all stormwater discharges associated with construction where clearing, grading and excavation results in land disturbance of five (5) or more acres. Stormwater discharges from construction activity disturbing less than five acres, but which are part of a larger common plan or development, also need a permit. Among other requirements, landowners where construction occurs are required to develop and implement a stormwater pollution prevention plan. Under CWA Section 313, this requirement applies to Federal facilities and Federal property. We expect that the BMPs identified in the DEIS would become a component of the stormwater pollution prevention plan, should one prove necessary.

#### **COORDINATION WITH THE RWQCB**

We've received a copy of the June 17, 1996 letter issued by the RWQCB on the DEIS and their June 17 letter on Cleanup or Abatement Order 95-064. Viewed together, the two letters are a good overview of how the RWQCB views the water pollution problems on Santa Rosa Island and actions that the RWQCB believes are needed to ensure compliance with applicable water quality protection requirements. We encourage the Park Service to move in an expeditious manner so as to ensure compliance with applicable water quality standards, the Basin Plan, and other water quality requirements.

#### **WEED MANAGEMENT PROGRAM**

The DEIS (p. 13) discusses an expanded weed management program for Santa Rosa Island, indicating that "[u]nder all alternatives, the weed management program would be increased as funding allows, in order to address weed management problems..." However, the DEIS does not provide specific information or details on the



expanded weed management program. We recommend that the FEIS provide a brief discussion of the following:

1. the chemicals that may be used in the weed management program;
2. the volume of each chemical proposed for use;
3. the environmental impacts associated with the various chemicals including impacts to surface waters and non-target species;
4. alternatives to the use of such chemicals, particularly if adverse impacts to non-target species are projected; and
5. consistency with applicable provisions of the Basin Plan for non-aerial and aerial applications.

The FEIS should acknowledge that Federal agencies and Federal facilities need to adhere to both the Federal pesticide law (FIFRA) and State pesticide requirements (see Executive Order 12088). The use of pesticides and herbicides for a variety of management activities (weed control, landscaping, pest/vector control, mosquito abatement, etc.) are subject to FIFRA and State requirements.

#### OZONE-DEPLETING CHEMICALS

The FEIS should specifically discuss whether any class I or class II substances, or products made with or containing such substances, are proposed for use in the weed management program. Under EPA regulations, class I and class II controlled substances are regulated under the Clean Air Act (CAA) as ozone-depleting substances. 40 CFR 82.80 requires that Federal agencies adopt regulations that conform to the policies and requirements of CAA Title VI. 40 CFR 82.84 stipulates that the procurement regulations of each Federal agency provide that, "...in place of class I or class II substances, or of products made with or containing such substances, safe alternatives identified under 42 U.S.C. 7671K...shall be substituted to the maximum extent practicable." (underline added). Due to the absence of discussion in the DEIS on specific elements of the weed management program, it is unclear whether the Park Service has in fact substituted safe alternatives to the "maximum extent practicable," rather than using class I or class II controlled substances.

The FEIS should discuss whether the Park Service has considered the use of safe alternatives to the maximum extent practicable, as opposed to using class I or class II controlled substances. The FEIS and ROD should include appropriate commitments in this regard.



**POLLUTION PREVENTION:** The DEIS does not specifically recognize the Council on Environmental Quality (CEQ) memorandum (1/29/93 Federal Register) on incorporating pollution prevention features in Federal agency NEPA documents. CEQ encouraged Federal agencies to integrate pollution prevention features in their NEPA planning and decision-making. The FEIS and ROD should reflect a commitment to implement pollution prevention measures in management actions for the island (i.e., management of ungulate populations and other activities such as weed and road management). Please find the attached pollution prevention checklist on grazing for your reference.

#### **ROAD MANAGEMENT**

The DEIS (p. 13) refers to Best Management Practices associated with road management, noting that the Park Service "is currently applying to U.S. Army Corps of Engineers for a permit to cover such practices." We would appreciate more information in the FEIS as to the type of permit that would be issued by the Army Corps. We recommend that the FEIS identify whether proposed or pending road management actions require placing fill material in waters of the United States (including wetlands and other special aquatic sites). If CWA Section 404 proves applicable, the FEIS should discuss the project's consistency with the 404(b)(1) Guidelines at 40 CFR Part 230, including avoidance and minimization of potential impacts and mitigation for unavoidable adverse impacts to waters of the United States. A key component of the 404(b)(1) Guidelines is to avoid the placement of fill material in waters of the United States. The 404 permit applicant (Park Service) must obtain CWA Section 401 certification from the RWQCB that ensures the protection of water quality standards for the 404-regulated activities. Section 401 water quality certification is needed before the Army Corps issues a permit.

#### **DEER & ELK REMOVAL**

Page 16 indicates that deer and elk "are property of the permittee" and that the permittee has five years to remove all deer from the island. The DEIS indicates that choice of removal method will be left to the permittee's discretion, but that the Park Service will oversee the removal effort. We recommend that the FEIS discuss the removal methods that the permittee may have under consideration. Should non-lethal removal be proposed, we recommend that the discussion indicate where the deer and elk may be relocated to and whether the National Park Service intends to examine the removed animals to ensure that any disease or parasites they may carry are not introduced to the relocation area(s). The introduction of disease or parasites from a relatively closed ecosystem on Santa Rosa Island could have adverse impacts to deer and elk elsewhere.



## POLLUTION PREVENTION/ENVIRONMENTAL IMPACT REDUCTION CHECKLIST FOR GRAZING

### How Can Grazing Affect the Environment?

Rangelands support native vegetation or introduced species for the grazing of livestock. Livestock use of rangelands for grazing can have significant impacts on the environment. Grazing causes water quality and quantity impacts, destruction or alteration of wildlife habitats, erosion, sedimentation, and soil compaction. Grazing animals may be a component of rangeland ecosystems, and appropriate grazing management can meet environmental objectives. Pollution prevention techniques as an integral part of grazing management can prevent or minimize environmental impacts.

Also see checklist on Ecosystem Preservation and Protection.

### What Questions Should Be Asked To Ensure That These Effects Are Minimized or Eliminated?

Protection of Sensitive Areas. Sensitive areas, including streambeds, wetlands, estuaries, ponds, lakeshores, and any other riparian zones, are of particular concern. Areas where endangered species are found are also of special concern. Minimizing erosion from rangelands above the riparian zone is important in its potential for impact on those sensitive areas.

- Have sensitive habitats and impaired waterbodies been identified, and will these habitats be excluded from livestock grazing areas? \*
- Will riparian areas be fenced to create a barrier to livestock? \*
- Has consideration been given to the location of the fence and the possibility that a fence might cause livestock to concentrate in small areas? Livestock tend to walk along fences, thereby causing paths to become bare channels that lead to erosion, especially if paths channel to streambeds. \*
- Will controlled stream crossings be provided for livestock? \*
- Will controlled watering access for drinking be provided for livestock? \*
- Will alternative drinking water locations be provided for livestock use? \*
- Will salt licks and shade areas be available to keep livestock away from sensitive areas? \*

Grazing Management System. Grazing management systems can incorporate pollution prevention and ensure proper grazing use. Proper grazing use will protect against soil erosion, sedimentation, and contamination of riparian resources, as well as maintain or improve the quality of rangeland vegetation.

- Will a grazing management system be implemented? \*
- Will deferred grazing, a practice whereby grazing is postponed or grazing land is rested for a prescribed period, be included? \*

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\* Indicates an environmental impact reduction opportunity.



- Will a planned grazing system be put in place in which two or more grazing units are alternately rested and grazed in a planned sequence for a defined period? \*
- Have such factors as livestock stocking rates, livestock distribution, timing (season of forage use) and duration of rest and grazing periods, livestock kind and class, and forage use allocation for livestock and wildlife been considered? \*
- Will recycled materials be used in the construction of rangeland structures, such as fencing or water delivery systems? \*

**Provision of Alternative Water Supplies.** Alternate water sources will keep livestock away from streambanks and riparian zones and prevent the destruction of habitat and pollution of surface water by manure solids, nutrients, and bacteria.

- Has a type of alternate water supply been identified? Does the water supply reduce the concentration of livestock in any one given area? \*
- Will adequate water control and wastewater disposal devices be installed?
- Will irrigated rangeland be managed to reduce water use?

**Stabilizing Rangeland Vegetation.** A number of practices can be employed to prevent the erosion of rangeland and to reduce vegetation destruction and the need for revegetation.

- Will rangeland quality be restored through revegetation if quality deteriorates as a result of poor management? \*
- Will adapted plants be established by seeding on native grazing land? Can native grazing land be used without requiring seeding of forage plants? \*
- Will range seeding require the use of chemicals (fertilizers, herbicides)? Can the use of chemicals be reduced or eliminated?
- Will prescribed burning be used to stabilize vegetation? Will all prescribed burn activities be conducted so that ash and exposed soil will not be mobilized during a runoff event? \*
- Will prescribed burning be conducted consistent with the Clean Air Act and/or local air quality regulations? \*

#### Other References

U.S. Environmental Protection Agency, Office of Water. January 1993: *Guidance Specifying Management Measures for Sources of Non Point Pollution in Coastal Waters*. EPA No. 840-B-92-002.

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\* Indicates an environmental impact reduction opportunity.



EPA REGION IX SUMMARY PARAGRAPH

ERP NUMBER: D-NPS-K65187-CA

CEQ NUMBER: 960231

DATE OF EPA COMMENT LETTER: 09/06/96

DATE SENT TO EPA HQ: 09/10/96

NAME OF PRINCIPAL REVIEWER: TOMSO

NAME OF PROJECT EIS:

Santa Rosa Island Resources Mgmt. Plan

SUMMARY PARAGRAPH:

We  
A EPA expressed environmental concerns with potential impacts associated with the weed ~~management~~ and road management programs, requested that the FEIS demonstrate consistency with the applicable Basin Plan, and encouraged Park Service to modify the preferred alternative to include more environmental protection features found in the Conservation Team Recommendations Alternative.

APPROVED FOR FEDERAL REGISTER PUBLICATION BY: \_\_\_\_\_



